

CITY OF OREM  
CITY COUNCIL MEETING  
56 North State Street Orem, Utah  
June 23, 2015

**3:30 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM**

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Chris Tschirki, Public Works Director; Karl Hirst, Recreation Director; Scott Gurney, Fire Department Director; Charlene Crozier, Library Director; Heather Schriever, Assistant City Attorney; Jason Bench, Planning Division Manager; Ryan Clark, Economic Development Division Manager; Brandon Stocksdales, Long Range Planner; Jason Bench, Planning Division Manager; Reed Price, Maintenance Division Manager; Steven Downs, Assistant to the City Manager; and Donna R. Weaver, City Recorder

UPDATE – Storm Water Ordinance

Reed Price provided various analogies with how fire laws were established. The same rationale was what led to the creation of the current storm water code. He then reviewed elements of storm water code history. He then reviewed the reasons the City was changing the code and highlighted some of the major amendments.

Orem City Storm Sewer Ordinance Update

- An Analogy...
  - Fire Code
    - Disasters can occur anywhere, and they often occur when we least expect them. NFPA codes and standards are there to
      - Provide us with ways to prevent their occurrence,
      - Manage their impact, and
      - Protect us.
  - 1631
    - John Winthrop, Governor of Massachusetts
      - Outlaws wooden chimneys
  - 1871
    - Great Chicago Fire
  - 1872

- Great Boston Fire
      - New fire and building codes for spacing and construction materials and inspections
  - 1903
    - Iroquois Theater Fire (Chicago)
      - Federal standards for exits and pathways to exits; maximum seating
  - 1904
    - Baltimore Fire
      - National standard sizing for fire hose connections
  - Many more fire incidents that caused changes to building/safety codes
    - Communities, schools, industry, hospitals, prisons, night clubs, and more
- Storm Water 101
  - Storm Water code
    - Disasters can occur anywhere, and they often occur when we least expect them. ~~NEPA~~ [Storm Water] codes and standards are there to:
      - Provide us with ways to prevent their occurrence,
      - Manage their impact, and
      - Protect us.
    - Not just to prevent disasters
      - Water quality
      - Clean neighborhoods
  - MS4: Municipal Separate Storm Sewer System
    - Infrastructure used to convey storm water runoff
      - Roads/sidewalks/curbs/gutters
      - Pipes
      - Sumps
      - Detention basins
    - The owner of the infrastructure that is permitted to discharge runoff
- Orem Storm Water Utility History
  - 1987
    - Congress mandates EPA to control certain storm water discharges
  - 1990
    - Utah issues first permits to large municipalities
  - 1996
    - Orem Storm Sewer Utility approved in March
      - Numerous findings
      - Improve water quality
      - Protect health and safety of public
      - Enhance water availability
      - Reduce flooding potential
  - 2002
    - Utah issues a general permit for discharges from small MS4s
      - Minimum Control Measures
        - Public education and outreach on storm water impacts
        - Public involvement/participation

- *Illicit Discharge Detection and Elimination (IDDE)*
    - Construction site storm water runoff control
    - *Long-term, post-construction storm water management*
    - Pollution prevention and good housekeeping for municipal operations
  - Storm Sewer Ordinance Update
- 2010
  - Orem's permit is renewed
    - Defined requirements to make improvements
    - Update ordinance
- 2015
  - Orem's permit needs to be renewed
- Why are we changing the code?
  - Come into compliance with UDWQ storm water permit
  - Ensure long-term functionality of our system
  - Protect environment
  - Ensure public safety
  - Philosophical approach has changed
    - Treat storm water as a resource rather than a waste product
    - Mirror pre-development hydrology
- What is changing?
  - General housekeeping
  - Article 23-4
    - Best management practices
      - Prohibits illegal discharges
      - Prohibits illicit connections
      - Protects watercourses
      - Prohibits pollutant storage and littering
      - Protects drinking water sources
      - Clarifies land disturbance permitting process
      - Strengthens post-construction storm water management
      - Requires low impact design (LID) and green infrastructure
  - Article 23-4-8
    - Long-term storm water runoff control
      - Long-term management plans required for development
      - Maintenance agreements
      - Inspection requirements
      - Non-structural maintenance practices
      - Protection of receiving stream
    - Inspection and monitoring
    - Post-construction storm water management
  - Article 23-5
    - Clarifies violations
    - Strengthens enforcement and penalties
- Next Steps
  - City Council review over next month

- Formal presentation at the city council meeting on July 28
  - Consider adopting the amended ordinance

Mr. Andersen asked who mandated it, and Mr. Price said Congress mandated the EPA and the State runs the environmental program on behalf of the EPA.

Mr. Macdonald asked if the City was late in complying, and Mr. Price said they have been properly permitted over the years; the proposed code changes represented modern changes.

Mr. Seastrand said it was one thing to do the minimum, but they should be asking if there was more that they should be doing to better protect the future. Mr. Price said where it was not a well head protection zone they wanted the water to go into the ground to recharge the aquifer. They must be prepared for larger rain events.

Mr. Tschirki said they need to protect their water sources.

Mr. Andersen said he had been reading about sumps and wondered about oil floating to the top. He asked if there were devices to pull the oil off the water.

Rick Sabey, Public Works Field Supervisor, said some of the older sumps did not have oil/water separators but most modern sumps did as did detention facilities. There were other ways—such as areas with vegetation—that also helped to clean the water. Mr. Price added that detention basins let the water come quickly but then drain slowly.

#### ANNUAL REVIEW – Gang Loitering Free Areas

Sgt. Shane Fredrickson presented a review of the gang loitering free areas. Sgt. Fredrickson supervised school resource officers (SROs) at the schools.

#### Annual Review of Gang Loitering Free Areas

- What is a Gang?
  - National Institute of Justice
    - There is no universally agreed-upon definition of “gang” in the United States. Gang, youth gang and street gang are terms widely and often interchangeably used in mainstream coverage.
  - Department of Justice Definition
    - An association of three or more individuals;
      - Whose members collectively identify themselves by adopting a group identity
      - The group identity is used to create an atmosphere of fear or intimidation, frequently by employing one or more of the following:
        - A common name
        - A slogan
        - Identifying sign, symbol, tattoo or other physical marking
        - Style or color of clothing, hairstyle, hand sign or graffiti
- Current Trends
  - Technology is radically changing behavior patterns among young people

- Smart phones
  - Twitter
  - Facebook
  - Instagram
- Is the role of gang being eroded by the social media?
  - Cyber bullying
  - Cyber facilitated violence
  - Graffiti
  - Drug influences/uses
  - Sex offenses
- Graffiti in Orem
  - Very few juveniles involved
  - Single suspects are responsible for multiple graffiti incidents
  - Suspects arrested have had no affiliation with verified violent street gangs
  - The majority of those arrested are 8<sup>th</sup> and 9<sup>th</sup> graders
  - Graffiti Statistics
    - 2014-2015 Comparison
      - 10% decrease during the first 6 months of 2015
      - June 23, 2014 – 92 reported graffiti cases
      - June 23, 2015 – 81 reported graffiti cases
- Law Enforcement Strategy
  - Work in close association with the schools
    - Work closely with vice principals in high schools and junior high schools
    - Electronic communications (email) with teachers and other school employees
  - Use social media as an investigative tool
    - Monitor
    - Fictitious profiles

Sgt. Fredrickson reviewed the definition of a gang and what they tended to have in common. There were some connections with gangs in California, but it had not taken hold in Utah County. Technology had drastically changed behavior patterns among young people. Some of the gang-like behavior had shifted to online bullying which had resulted in cyber-facilitated violence. Officers were online monitoring behavior and they could get involved when needed. The drug influence was heavy on social media. Graffiti in Orem generally had very few, but busy, juveniles; they tended to be repeat offenders. He then reviewed Graffiti Statistics between 2014 and 2015.

Mrs. Black asked how the anti-gathering ordinance had worked in resolving some gang issues in Orem.

Sgt. Fredrickson said it had been an effective tool when it was needed.

Mayor Brunst said most graffiti offenders were younger, but asked if older influences were pushing ties to gangs.

Sgt. Fredrickson said it was not really an issue in Orem but that did happen throughout the country. He said there were few, if any, ties to any violent gangs in Utah County. He said he and the SROs worked closely with administration to monitor activity on social media for any suspected gang activity.

#### UPDATE – Utilities Master Plan – Communications

Mr. Downs showed two videos created as part of the communications effort for the Utilities Master Plan. The videos were available to view online at [utilities.orem.org](http://utilities.orem.org). The website also had a section answering Frequently Asked Questions (FAQ), information about the upcoming open houses on August 4<sup>th</sup> and August 18<sup>th</sup>, a link to the mailer being sent to residents, and other important information about the Utilities Master Plan.

Mr. Macdonald said there had been suggestions that some of the pipes could last longer than being forecast. He asked if they would evaluate pipes before replacing them and not replace unnecessarily.

Mr. Tschirki said they did not want to replace anything before it needed to be replaced. There were three different kinds of pipes. Some pipes only lasted about twenty years. Soil conditions could also shorten the life of pipes, and there were some of those areas identified in Orem. The fifty-year plan was the basis for the infrastructure system, not pipes only. Many other communities used the fifty-year replacement plan.

Mayor Brunst said the circumstances vary. The reality was that the cost of preventative care now would be less than waiting until there was a problem. He asked if there were any 100-year-old pipes out there.

Mr. Tschirki said there were likely a few wooden canal pipes that may still be in place but the majority had been replaced. He noted there were some areas, especially on the west side, where the pipes would not last fifty years.

Mr. Sumner asked about replacing University Place infrastructure. Mr. Davidson said the CDA would pay to replace them.

Mr. Macdonald asked if specific projects had been identified. Mr. Tschirki said they had projects identified in the ten-year plan.

Mr. Downs provided a copy of the mailer that would be sent to Orem residents.

Tai Riser, Public Works Advisory Commission (PWAC) chair, said they had been studying the issue for some time. They were concerned as they communicated with the public that correct information be provided to them. It was a concern if residents could not trust the information coming from the Council and City.

K.C. Shaw, PWAC vice chair and Central Utah Water Conservancy District (CUWCD) employee, said CUWCD designed pipes for a 75-year lifespan. Half would last fewer years than 75, and half would last longer. He said they cement coated the modern pipes inside and out. It was always difficult to communicate technical issues with the general population, and he was concerned that people were unclear on what the proposed changes would accomplish. It may be

beneficial to explain the rationale behind the identified projects. Most of the projects identified were for fire, capacity, and storage reasons. To say they were replacing good pipes before it was necessary was inaccurate. No one had said to replace a pipe only because of its age; they were studying components like capacity, pressure loss, leakage rates, sustainability, etc.

Mr. Riser said he was concerned that misinformation was being communicated to the public by representatives for the City, and fear mongering would always go further than factual information. People were entitled to their own opinions, but they could not have their own facts.

Mayor Brunst said a lot of work needed to be done on communication. He said more detailed explanation was important in communicating with the public. He would also like to see video footage of City crews working on damaged areas.

Mr. Tschirki said they had footage they could include.

Mr. Sumner said the open houses were important to have, but he believed holding them at the Public Works building would lead to poor attendance. Mrs. Black agreed, and thought a more central location would be a better idea.

Mr. Downs said they would add an open house at the senior center.

Mr. Macdonald said they were fortunate to have a mayor who understood pipe issues and others who gave their time studying the issue out. The City would be crazy not to take advantage of those skill sets, and put out accurate information.

Mrs. Black asked if the website had a simplified list of the eleven projects. Mr. Downs said they were grouped into category, and could go into further detail.

Mr. Davidson said to be careful about identifying areas of Orem that did not have enough pressure to support fire hoses. The plan was the Council's plan, and if they had concerns or suggestions, they should tell staff. His concern was about misinformation that was so readily available. He encouraged the Council to look through the information and talk with Mr. Tschirki and his staff about any questions and utilize them as resources.

Mr. Seastrand said part of the reason they were on the Council was so they could meet and discuss things together. If there was a difference of opinion, it should be expressed in the meetings rather than going around the rest of the Council and talking about things that had not been discussed with the rest of the group.

Mr. Davidson said Mr. Andersen misquoted him in the flier, which caused him concern because it was not a fair representation of what he had said and was taken out of context.

Mayor Brunst said he would appreciate Mr. Andersen's participation in discussions with the Council. All councilmembers were elected to represent the people of Orem, and he would appreciate more vocal participation from each of them.

Mr. Seastrand asked why Mr. Andersen did not present his information to the Council for discussion in an open public meeting, but shared information with other sources and said the rest of the Council was wrong on the matter.

Mr. Andersen said he did not misquote Mr. Davidson.

Mr. Davidson said Mr. Andersen did misquote him, that he was questioning his integrity and he took great offense to that.

Mr. Macdonald said Mr. Andersen questioned the integrity of the members of the Council and misrepresented them all the time.

Mayor Brunst reaffirmed that he would want all council members to participate in discussions to further the work of the City.

#### UPDATE – Vote By Mail for Municipal Primary and General Elections

Mr. Bybee provided information about Vote By Mail (VBM). He reviewed that VBM was allowed by State Code. They planned to have one voting center, the City Center, available to submit ballots in person on Election Day.

Ms. Weaver explained once voters received their ballots in the mail, they could vote and return the ballot by mail or could drop the ballot off in person at the City Recorder's Office. If voters came to cast a ballot at the voting center, they would cast a provisional ballot.

Mr. Sumner asked if other cities doing VBM also had only one voting center.

Mrs. Weaver said it would depend on the size of the community. Orem was not a geographically large area, so it was reasonable to have only one voting center.

Mayor Brunst asked how many polling locations were used for a "traditional" election, and how many poll workers were at each location.

Mrs. Weaver said they used the same locations for municipal elections as the County did for County elections, which used twenty-one polling locations. At any one time there would be between three or four poll workers at a location, plus alternates.

Mr. Bybee said municipal elections had lower turnout than county or presidential elections. Even years with so-called "hot topics" had low percentage of voter turnout. He reviewed some pros and cons for using all VBM.

Mayor Brunst said he reviewed some statistics from VBM elections in Oregon and found since 1998 they had only fifteen cases of voter fraud statewide.

Mr. Bybee said there was a misconception that VBM increased voter fraud, but that was unfounded. There was an increased cost because the City was providing the return postage on the ballots, but they anticipated that the convenience of the pre-paid postage would help increase voter turnout.



Mr. Macdonald said it was possible as voters became more familiar with VBM elections the City could eventually move away from paying the return postage for the voters.

Mr. Bybee said there was promising evidence of substantially improved voter turnout, but was still not a guarantee. They planned to do more education about the election, including a newsletter and a voter information pamphlet.

Mrs. Black thought there should be candidate information in the voter information pamphlet because older voters would not likely find the candidate information online, and Mr. Davidson said that could be done.

#### Communication Items

Mr. Davidson said there had been discussion about naming 800 North. In the past, the Council discussed changing 800 North to Canyon Parkway. Mr. Davidson said he was not suggesting changing the name of the road but adding the name designation to the signs. There had been conversations with UDOT about the proposed change and their specifications to proceed. The preference was to recognize 800 North as a gateway to the canyon, not as the Vineyard Connector. He asked for feedback from the Council.

Mrs. Black said it was one of Mayor Washburn's dreams and the process would not require anyone on 800 North to change their addresses. MAG also wanted the road designated as Canyon Parkway.

Mayor Brunst said it should be done sooner than later.

Mr. Macdonald asked why it was not designated as such before now, and Mrs. Black said the costs of changing the signs had been an issue in the past.

Mr. Spencer asked what the cost to change out the signs would be, and Mr. Davidson said staff was working on an estimate.

The consensus of the Council was to move forward with the designation of 800 North as Canyon Parkway.

#### **5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

##### CONDUCTING

Mayor Richard F. Brunst, Jr.

##### ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner

##### APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Scott Gurney, Fire Department Director; Charlene Crozier,

Library Director; Jason Bench, Planning Division Manager; Ryan Clark, Economic Development Division Manager; Brandon Stocksdales, Long Range Planner; Steve Earl, Deputy City Attorney; Jason Bench, Planning Division Manager; Neal Winterton, Water Division Manager; Reed Price, Maintenance Division Manager; Steven Downs, Assistant to the City Manager; and Donna Weaver, City Recorder

Preview Upcoming Agenda Items

Staff presented a preview of upcoming agenda items.

Agenda Review

The City Council and staff reviewed the items on the agenda.

City Council New Business

There was no City Council new business.

The Council adjourned at 5:56 p.m. to the City Council Chambers for the regular meeting.

**6:00 P.M. REGULAR SESSION – COUNCIL CHAMBERS**

CONDUCTING

Mayor Richard F. Brunst, Jr.

ELECTED OFFICIALS

Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Scott Gurney, Fire Department Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Ryan Clark, Economic Development Division Manager; Brandon Stocksdales, Long Range Planner; Steve Earl, Deputy City Attorney; Jason Bench, Planning Division Manager; Paul Goodrich, Transportation Engineer; Brandon Nelson, Finance Division Manager; Steven Downs, Assistant to the City Manager; and Donna Weaver, City Recorder

**INVOCATION /  
INSPIRATIONAL THOUGHT  
PLEDGE OF ALLEGIANCE**

Jessica Street  
Alejandro Tovar and Daniel Vascarro

## APPROVAL OF MINUTES

Mr. Macdonald **moved** to approve the June 9, 2015, City Council meeting minutes. Mr. Sumner **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

## MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

### Upcoming Events

The Mayor referred the Council to the upcoming events listed in the agenda packet.

### Appointments to Boards and Commissions

There were no appointments to boards and commissions.

### Recognition of New Neighborhoods in Action Officers

There were no new neighborhood officers recognized.

### MOTION – Mayor Pro Tem – July 1 through December 31, 2015

Mayor Brunst **moved** to appoint David Spencer as Mayor Pro Tem. Mr. Andersen **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

### REPORT – Colonial Heritage Festival & Cries of Freedom

Deb Jackson, Scott Swain, and Chairpersons Gregg and Katherine Hardy reviewed the events planned for the upcoming event in the SCERA Park July 2-4, 2015. They expressed appreciation for the Council and staff's work to prepare for the event. A new feature for this year's event was the inclusion of Liberty's Vehicles, a program that showcased restored military vehicles from WWI to present. There would be a VIP meet and greet on July 1, 2015. They hoped to have more people in attendance than last year and were working with the Alpine School District on expanding the parking. On July 4, 2015, there would be a bike decorating contest for the youth and a pie baking contest.

### PROCLAMATION – Colonel Gail Halvorsen Day

Mayor Brunst read a proclamation designating July 3<sup>rd</sup> as Colonel Gail Halvorsen Day in the City of Orem. He invited Mr. Halvorsen to shake hands with the Council. Mr. Halvorsen then expressed gratitude for the recognition, saying he accepted it in the names of the people he served with.

### PROCLAMATION – Local First Utah's Independents Week

Mayor Brunst read a proclamation designating July 1-7, 2015 as Independents Week in the City of Orem, which emphasized supporting independent businesses.

## CITY MANAGER'S APPOINTMENTS

### Appointments to Boards and Commissions

There were no appointments to boards and commissions.

## PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

Bob Wright, resident, said there used to be a requirement for the city manager to reside in Orem. That changed some years ago, and he said he thought the ordinance should be changed to require it again.

Sam Lentz, resident, said he was excited about the opportunity to use Vote By Mail (VBM) for the 2015 Election. He said VBM was an excellent tool to increase voter participation, and cities had seen dramatic improvements in voter turnout. He also said it increased voter research when they had the ballot ahead of time and could make more informed decisions when voting. Mr. Lentz thought using budget monies to improve elections and voter turnout was a better use than paying the mayor a full-time salary. Some city council candidates were concerned about the timing of the decision but he felt the decision should be based on what would be for the greater good of residents, not what would be easier on the eleven city council candidates.

Jed Jensen, with Addict II Athlete, asked support for the 2015 Utah County Recovery Week. On the morning of September 19, 2015, there would be the Fourth Annual Addict II Athlete Recovery Run at 8:00 a.m. The 5k run would begin at Cirque Lodge in Orem. They would like the City's permission to put up a banner advertising the run and invited the Council and Mayor to participate.

Heidi Clark, resident, said she would be greatly impacted by the Vote By Mail system. She had missed elections in the past because of her health. She said if she could not leave her home to vote, she would not have a voice. There were many people like her with voices that deserved to be heard, and they were more important than how the VBM system would impact the candidates.

Sterling Bascom, resident, said there were many people at the senior center who had a hard time getting out, including to vote, and the needs of the people should be considered. He said he would be in favor of the Vote By Mail system. He expressed concern about the three-minute limit for personal appearances. He said he hoped for some review on how discussions were handled.

Jim Fawcett, resident, said he sent an email to the Council about the utility replacement plan being proposed by the City. He said there appeared to be in the Budget funds set aside for improvements for the proposed Lakeview annexation area. He said he did not want to have to pay for the improvements through increased utility bills. He was concerned that the growth in Vineyard would also affect his utility bills.

## CONSENT ITEMS

### MOTION – Cancel the July 14, 2015 City Council Meeting

Mayor Brunst **moved** to cancel the July 14, 2015 City Council meeting. Mr. Macdonald **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst,

Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

## **SCHEDULED ITEMS**

6:15 P.M. PUBLIC HEARING – General Plan and Rezone – Orem Assisted Living  
RESOLUTION – Amending the General Plan by changing the land use designation from  
Low Density Residential (LDR) to Community Commercial (CC) on approximately 0.93  
acres located generally at 1890 North 800 West

ORDINANCE – Amending Article 22-5-3(A) of the Orem City Code and the zoning map  
of Orem City by changing the zone from R8-ASH to C2 on approximately 0.93 acres  
located generally at 1890 North 800 West

Mr. Bench reviewed with the Council a request to amend the General Plan by changing the land use designation from Low Density Residential (LDR) to Community Commercial (CC) and amend Article 22-5-3(A) of the Orem City Code and the zoning map of Orem City by changing the zone from R8-ASH to C2 on approximately 0.93 acres located generally at 1890 North 800 West.

The applicant was in the process of purchasing property located at approximately 1890 North 800 West which was located directly south of the IHC Instacare building. The applicant would like to construct a new assisted living facility on the property with 100 living units. Part of the applicant's property was already zoned C2, but approximately 0.93 acres was zoned R8. The applicant proposed to rezone this part of the property to C2 in order to match the zoning on the remainder of the property and to allow all of the property to be used for the development of the assisted living facility. The proposed rezone would also allow the applicant to provide a full access to the property from 800 West which was requested by the City Engineer.

In 2008 the Planning Commission approved an assisted living facility and commercial building on the property, but the project was never developed. Other applications had been proposed on the property including Northtown Village (similar to Midtown Village) in 2005, and a high density housing project for which a rezone request was denied in 2012. The property was currently vacant.

Based on the findings of a traffic study, the applicant was proposing three (3) accesses to the property including two (2) accesses onto State Street. A full access to 800 West to the west of the proposed building and an emergency (gated) access onto 760 West were also proposed. By providing these accesses, the traffic needs of the proposed assisted living facility as well as two commercial pads to the east of the assisted living facility will be satisfied. A sidewalk will also be provided from 800 West to the proposed assisted living facility.

The current General Plan designation for the 0.93 acres was Low Density Residential and the applicant was requesting that this be changed to Community Commercial.

A neighborhood meeting for the proposed rezone was held on May 8, 2015. Five (5) neighbors were in attendance. The concerns regarding the project dealt with access, building height, number of units, fencing, traffic and setbacks from the residential neighborhood. Residents in attendance were satisfied with the access on 800 West from the proposed project.

The Planning Commission recommended approval of the subject application and recommended that the normal masonry fence requirement between commercial development and residential zones be eliminated along the access to 800 West to avoid any problems with clear vision.

The Planning Commission recommended that the City Council amend, by resolution, the General Plan by changing the land use designation from Low Density Residential (LDR) to Community Commercial (CC), and amend, by ordinance, Article 22-5-3(A) of the Orem City Code and the zoning map of Orem City by changing the zone from R8-ASH to C2 on approximately 0.93 acres located generally at 1890 North 800 West.

Mr. Macdonald said there was an assisted living project being built just down the road and wondered if staff had discussed that with the applicant. He said there was a home on each side of the proposed roadway. Mr. Bench said the home on the south was owned by the developer and was a willing participant, and the home on the north was not part of the project.

Mark Hampton, applicant, said he became the owner of the property through foreclosure. He said he develops senior living centers. They had studied the area and the information supported the project as successful. It was a huge need in every community. The closest competition in Provo was also successful. They could not fill the entire site with assisted living. They also planned on the two pads in front for medical offices. Some communities had an overlay zone to fit the proposed use. Orem did not, so he had to apply for a commercial zone. Assisted living facilities made good neighbors. He said he believed it would be a good buffer between the residential and the commercial on State Street. They were proposing two accesses because a single access did not line up.

Mayor Brunst asked about the timeline. Mr. Hampton said he hoped to start construction on the assisted living project by the fall. They did not yet have a specific plan for the office spaces.

Mr. Seastrand asked if the infrastructure would be installed with the initial construction phase, and about emergency vehicle access. He said he would prefer a better turnaround at the stub-end street to the south.

Mr. Hampton said the infrastructure would be installed with construction. The access for emergency vehicles was adequate. He said he could not tell what route an ambulance would come, but he anticipated it would come down State Street. As for the stub-end street, residents said they did not want the facility to access the neighborhood through it.

Mr. Andersen asked about the size of the building. Mr. Hampton said 89,000 square feet. It would be a two story building where ceiling heights would be about the same as residential homes.

Mrs. Black asked about the height of this building compared with the facility in Provo. She also asked about the number of staff. Mrs. Black said she had a mother-in-law in an assisted living facility and had not noticed much traffic flow in and out.

Mr. Hampton said the Provo facility was taller. The entire facility would be two-story. He said the number of staff would depend upon the time of day. He said they had a lot of experience with

this kind of facility. The back parking lot would accommodate employees. Studying all their facilities, they found the highest parking use was Mondays at noon. Their proposed parking lot would exceed the City's parking requirement. There would not be a lot of in and out traffic generally.

Mayor Brunst opened the public hearing.

Larry Lires, resident, said he lived next to the home the developer owned. He said he was against the road and represented four of his neighbors on that issue and their concern for the safety of children crossing it. The volume of traffic was high and traveled fast. Some neighbors were also planning to sell their land for residential. In 2008 when the property was first rezoned, the Council refused to grant the road to 800 West because of the traffic.

Jessica Street, resident, said she agreed that 800 West had a lot of traffic. She suggested the Council consider putting in speed bumps to slow traffic. The increased traffic would make it more difficult for children to cross, and there was no school crossing guard to assist them.

Ron Abram, resident, said the neighbors were assured there would be no access there and there would be a privacy wall. Over the years the speed of the traffic had increased, and it was dangerous for children. He wondered about the power line by the property and if it would have to be moved. He said they felt all the traffic was coming their way. He could no longer back out of his driveway.

Mr. Hampton said the access would be a curb cut like a driveway. It would be a secondary access with signage marking it as private property. He said he was sensitive to the busyness of 800 West, but they did need a second access. The power line was not a problem.

Mrs. Black asked if there was a way staff could access the facility another way, and Mr. Hampton said they would.

Sterling Bascom, resident, said it might be necessary to start filming drivers to help slow the traffic on 800 West. The police could not be everywhere at once, and it may help with the speeding issue on that road.

At the request of Mr. Sumner, Paul Goodrich said 800 West was a collector street and wider than most residential streets to accommodate more traffic. He reviewed the status of surrounding streets and projected growth. Smaller streets tied into collector streets. A gate on the access would slow down emergency vehicles or family members wanting to take their relatives to the hospital. Speed bumps frequently resulted in law suits. He said the section in question was not really a street but a driveway. There were two accesses on State Street, but they did not line up. If there were too many offset accesses, the accident rate was likely to increase.

Mrs. Black asked if it could be marked as private access, and Mr. Goodrich said it could.

Mr. Sumner said he drove around the area and wondered if there had been any kind of traffic count done. Mr. Goodrich reviewed some of the results from traffic studies, noting that it was actually a bit low for a collector street compared to other collector streets in Orem.

Mayor Brunst closed the public hearing.

Mayor Brunst **moved**, by resolution, to amend the General Plan by changing the land use designation from Low Density Residential (LDR) to Community Commercial (CC) on approximately 0.93 acres located generally at 1890 North 800 West. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer. Those voting nay: Brent Sumner. The motion **passed**, 6-1.

Mayor Brunst **moved**, by ordinance, to amend Article 22-5-3(A) of the Orem City Code and the zoning map of Orem City by changing the zone from R8-ASH to C2 on approximately 0.93 acres located generally at 1890 North 800 West. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer. Those voting nay: Brent Sumner. The motion **passed**, 6-1.

6:15 P.M. PUBLIC HEARING – PD-44 Zone

ORDINANCE – Amending Section 22-5-1 and enacting Section 22-11-57 of the Orem City Code to create the PD-44 zone

ORDINANCE – Amending Section 22-5-3(A) and the zoning map of the City by rezoning property located generally at 1450 East 1060 North from the R12 zone to the PD-44 zone

Mr. Bench presented to the Council a request to amend Section 22-5-1 and enact Section 22-11-57 of the Orem City Code (PD-44 zone), and amend Section 22-5-3(A) and the zoning map of the City by rezoning property located generally at 1450 East 1060 North from the R12 zone to the PD-44 zone.

The applicant owned a home at approximately 1450 East 1060 North which was located in the Cove Estates subdivision. The applicant's lot was 1.32 acres (57,500 square feet) in size and the applicant would like to construct an enclosed tennis court on the property that would have a footprint of approximately 10,150 square feet.

The applicant was unable to construct the desired tennis court on his property because City ordinances limited the size of accessory structures in the R12 zone (and other residential zones) to no more than eight percent (8%) of the area of a lot. Based on the square footage of the applicant's lot (57,500 square feet) the maximum footprint of an accessory structure on his property was 4,600 square feet.

The applicant proposed to create a new PD-44 zone that would allow accessory structures to cover up to twenty-five (25) percent of a lot if the lot exceeded one (1) acre in size. The area that would be included in the new PD zone consisted of seven (7) single family homes, only one of which (the applicant's) exceeded one (1) acre. If the PD-44 zone request was approved, the applicant would be able to build an accessory structure that covers 14,375 square feet of his lot and would allow him to build the tennis court structure that he desires.

The height of accessory structures would be limited to thirty-five (35) feet and the applicant's proposed tennis court would be thirty-three (33) feet high.

In Section 22-11-1 of the PD zone code it stated that, "PD zones are not intended for use in situations where a proposed development is reasonably feasible under one of the City's existing



zoning classifications.” While the request was unique, the overall property could still be developed in a reasonable manner under the current zoning.

The current General Plan designation for this property was Low Density Residential. The request fit within the Low Density designation of the General Plan.

A neighborhood meeting for the proposed rezone was held on April 23, 2015. Two neighbors were in attendance and four others called the applicant about the meeting. No issues were mentioned.

The Planning Commission recommended the City Council amend Section 22-5-1 and enact, by ordinance, Section 22-11-57, PD-44 zone, and amend, by ordinance, Article 22-5-3(A) and the zoning map of Orem City by zoning property located generally at 1450 East 1060 North from the R12 zone to the PD-44 zone.

Mr. Macdonald asked for clarification as to where the tennis court would go, and Mr. Bench referred to the map.

Mayor Brunst asked if the neighbors had any issues with the tennis court’s proposed placement. George Bills, applicant representative, said the neighbor’s concerns were about the sidewalk and he said the colors and style would be similar to the home.

Mrs. Black wondered about the feeling of the neighbor across the street who would be most impacted. She also asked if it would look like a garage on the front of the building.

Mr. Bills said he did not know the feeling of that particular neighbor. Mr. Bench reviewed the elevations of that side of the project, and Mr. Bills said it would not have the height of the home.

Mayor Brunst asked if it would be below ground level, and Mr. Bills said it would.

Mayor Brunst opened the public hearing.

Joe Brown, resident, said he was a friend and a neighbor and had confidence the building would be beautiful. He said he supported the proposal.

Mayor Brunst closed the public hearing.

Mr. Seastrand wondered about the separate lots and if they had been combined, and Mr. Bench said it was in the process and was required to meet the ordinance. Mr. Seastrand said it seemed an odd way to go about this and understood staff was looking at a better alternative. Mr. Bench said staff was looking at improving the process and reviewing the ordinance.

Mrs. Black **moved**, by ordinance, to amend Section 22-5-1 and enact Section 22-11-57 of the Orem City Code to create the PD-44 zone. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

Mrs. Black **moved**, by ordinance, to amend Section 22-5-3(A) and the zoning map of the City by rezoning property located generally at 1450 East 1060 North from the R12 zone to the PD-44 zone. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

6:25 P.M. PUBLIC HEARING – PD-8 Zone Interior Setbacks

ORDINANCE – Amending Section 22-11-20(K)(7) of the Orem City Code pertaining to the setback requirements in the PD-8 zone at 800 North Palisade Drive

Mr. Bench reviewed with the Council a request to amend Section 22-11-20(K)(7) of the Orem City Code pertaining to the setback requirements in the PD-8 zone at 800 North Palisade Drive.

The applicant owned the Cirque Lodge property at the corner of 800 North Palisade Drive which was zoned PD-8. The applicant would like to subdivide the property into two lots and then construct a new building on the newly created lot. The PD-8 zone currently required buildings to be set back a distance of twenty-five feet (25') or the height of the building, whichever was greater.

In order to make the layout of the applicant's proposed new building work as desired, the applicant requested that the PD-8 zone be modified to eliminate the setback requirement for interior lot lines while leaving the setback requirement the same for all exterior property lines. The proposed amendment would give the applicant additional flexibility in constructing a new building while maintaining the setback protections for properties that are not a part of the PD-8 zone.

The Planning Commission recommended the City Council amend, by ordinance, Article 22-11-20(K)(7) pertaining to the setback requirements in the PD-8 zone at 800 North Palisade Drive.

Mr. Macdonald asked for clarification on the location and asked if there was a fruit stand in that space, and Mr. Bench said there were some fruit stands nearby but this area was frontage.

Mr. Seastrand asked about additional access from 800 North, and Mr. Bench said all access would have to come off Palisade Drive. The subdivision plat would have cross and reciprocal access and parking.

Mr. Macdonald asked if they were adding on to existing buildings, and Mr. Bench said it was a separate building. He said the setback change would only apply to the PD-8 zone.

Mrs. Black asked about walkways, and Mr. Bench said that would be decided when the applicant came to the Planning Commission with a site plan.

Mayor Brunst asked about capacity and if parking was an issue, and Mr. Bench said parking and capacity were not an issue.

Mayor Brunst opened the public hearing. There were no public comments so Mayor Brunst closed the public hearing.

Mayor Brunst **moved**, by ordinance, to amend Section 22-11-20(K)(7) of the Orem City Code pertaining to the setback requirements in the PD-8 zone at 800 North Palisade Drive. Mr. Macdonald **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

6:30 P.M. PUBLIC HEARING – 2014-2015 4<sup>th</sup> Quarter Budget Amendments  
ORDINANCE – Amending the Current Fiscal Year 2014-2015 Budget

Richard Manning and Brandon Nelson reviewed with the Council a request to amend the current Fiscal Year 2014-2015 Budget and, by ordinance, amend the Fiscal Year 2014-2015 Budget.

The Fiscal Year 2014-2015 City of Orem budget had many adjustments that occurred throughout the fiscal year. These adjustments included grants and/or donations received from Federal, State, and other governmental or private entities/organizations; acceptance of the new Palisade park and thus, recording it was an asset in the city's accounting records; adding Northgate SID revenues for additional funds received in order to pay associated expenses; and various other smaller technical corrections or minor budget adjustments that needed to be made.

Mrs. Black asked about the property sale, and Mr. Nelson said it was just recognizing the sale of the land in exchange for the improvements.

Mayor Brunst opened the public hearing.

Bob Wright, resident, expressed concern about the budget adopted earlier in June that increased some fees. He said he felt they were exorbitant and unnecessary.

Mayor Brunst closed the public hearing.

Mr. Andersen asked about Northgate SID, and if they were current on payments. Mr. Nelson said the owner sold property and the assessment was paid. He said they were current except for one payment.

Mayor Brunst **moved**, by ordinance, to amend the current Fiscal Year 2014-2015 Budget as proposed. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously

RESOLUTION – Approving a fence modification for Stone Five Studios at 1510 East 840 North in the C1 zone

Mr. Bench presented to the Council a request to modify the fence for Stone Five Studios at 1510 East 840 North in the C1 zone.

The site plan for Stone Five Studios at 1510 East 840 North was approved in February of 2013 and the building has now been completed. The original site plan showed a seven foot masonry fence where the Stone Five Studios property adjoins five residential properties as required by City ordinances. The masonry fence requirement was intended to buffer adjoining residential

uses from the noise, light, traffic and other impacts that are typically associated with commercial uses.

The ground between the Stone Five Studios property and the adjacent residential properties slopes upward significantly so that the adjoining residential properties were significantly higher than the Stone Five Studios building. The grade differential itself acted as a buffer between the commercial property and the residential neighbors.

Because of the existing natural buffer, the applicant requested that the City Council modify the fence requirement for its site. The applicant proposed to build a six foot cedar slat fence along its western property line which would replace an existing dilapidated fence. The applicant requested that the fence requirement be waived entirely as to the two residential properties to the north as these two property owners have recently constructed their own fences which they wish to leave in place. The applicant's proposed fence would match the cedar fence that was recently constructed by the owner of the residential lot directly to the east.

Pursuant to Section 22-14-19(F) of the City Code, the City Council may modify the fence requirement if it finds that:

1. The proposed fence provides an adequate buffer for the adjoining residential zone.
2. The appearance of the fence will not detract from uses in the residential zone.
3. The proposed fence will shield the residential use from noise, storage, traffic, or any other characteristic of commercial or professional office uses that are incompatible with residential uses

All five of the adjoining residential property owners had indicated in writing that they supported the proposed modification and their letters were included with the agenda summary.

Staff had reviewed the proposed fence modification and believed the request met all of the requirements listed above.

Mayor Brunst asked why they were requesting the modification from the 2013 site plan. Mr. Bench said it was required then by ordinance but the owners have spoken with the neighbors and they agreed that a cedar fence would be sufficient. Additionally, the topography of the area presented challenges for fencing.

Mrs. Black said she was concerned about visible deterioration of cedar fences and wondered what guarantee was in place that the fence would be kept up. Mr. Bench said it was part of the site plan approval and if it came into disrepair the City could require that they fix it or replace it.

Mr. Sumner asked if it was all about cost. Mr. Bench said it was not all about cost, as there was a height difference and concern about stability of the slope.

Mr. Macdonald said he guessed the neighbors would prefer wood, and asked about access. Mr. Bench said all five property owners agreed they would prefer wood. The access would be only from the west.

Mr. Macdonald **moved**, by resolution, to approve a fence modification for Stone Five Studios at 1510 East 840 North in the C1 zone. Mayor Brunst **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

RESOLUTION – Authorizing the 2015 Municipal Primary and General Elections to be Administered through Vote By Mail and One Election Day Voting Center

Mr. Bybee reviewed with the Council a recommendation to authorize the 2015 Municipal Primary and General Elections to be administered through vote by mail with one designated Election Day voting center which will be located at the Orem City Center, 56 North State Street, Orem, Utah.

Voter participation is an essential component of the City’s representative form of government. In recent years, the use of absentee ballots in the City’s primary and general elections had significantly increased. In the 2013 Municipal and General Elections, over 1,700 absentee ballots were cast. This was a substantial increase from past election years where the number of absentee ballots cast was approximately 150.

Utah Code § 20A-3-302 authorizes the City to conduct municipal primary and general elections entirely by absentee ballot. Other municipalities that had adopted the vote by mail election format had seen significant increases in voter turnout. In 2013, nineteen Utah cities used vote by mail and all reported an increase in voter turnout. West Jordan City, which was comparable in size and population density to the City of Orem, saw a 150% increase in voter participation with the implementation of vote by mail.

Utah Code also permits the City to provide an Election Day Voting Center for its residents. The opening of one Election Day Voting Center at the City Center, 56 North State Street, Orem, Utah will provide City residents further opportunity to participate in the election process. The Election Day Voting Center shall comply with the requirements of the Utah Code and will remain open from 7:00 a.m. to 8:00 p.m. on election days.

At the June 9, 2015 City Council Meeting Work Session, the City Council expressed interest in conducting vote by mail elections. The proposed resolution would implement vote by mail for the 2015 Municipal Primary and General Elections.

Advantages of Implementing Vote by Mail: Vote by mail would provide City residents with ballots and voting information approximately 30 days before the elections giving residents ample time to review, consider and cast ballots. Additionally, implementation of vote by mail was expected to significantly increase voter turnout.

Disadvantages of Implementing Vote by Mail: Administering the 2015 Municipal Primary and General Elections using vote by mail would result in an increase in the overall cost of administering the elections. Over time, however, election costs would be reduced through the elimination of voting locations and staffing costs.

Mayor Brunst asked about the normal process of a “traditional” election versus the Vote By Mail (VBM) process.

Mr. Bybee reviewed the process of a “traditional” election, saying that on the appointed election days voters would go to their assigned polling location and cast their votes. The VBM process was that all registered voters would receive an absentee ballot. The number of Orem registered voters already on the permanent absentee ballot list was approaching 3,000. He said there were about 46,000 registered voters in Orem.

Mr. Andersen asked about the process of signing up for the permanent absentee ballot list.

Mrs. Weaver said traditionally absentee voting was a two-step process. An interested voter would contact the City to have an application sent to them, or they could find the form online and print it themselves. They would be sent an application that they would fill out and send back with their signature. Then a ballot would be mailed to them, which they would vote and send back. Once received, the poll workers would verify the signature on file with the signature on the ballot. With all Vote By Mail, the County would provide access to the State-wide database for signature comparison. She said those reviewing the signatures would go on the side of the voter.

Mr. Andersen asked if on the new voter registration forms there was an option to elect voting absentee. Mrs. Weaver said there was an option to be put on the permanent absentee list.

Mrs. Black said the purpose of VBM was to make it easier and more convenient for voters. She asked about other cities that had done it, and what their results had been.

Mr. Bybee said a comparable city that had utilized the VBM process was West Jordan and their increase in voter turnout had been over 150 percent.

Mrs. Black asked if Orem had that kind of increased turnout then the cost for the election per voter would be less, and Mr. Bybee said that was correct.

Mayor Brunst said there were several options for VBM. The City could pay return postage or opt out. Some cities had provided return postage initially and then moved away from that. He asked if Orem had provided return postage for the permanent absentee ballots they would normally send.

Mr. Bybee said West Jordan had provided return postage for a VBM election, and in the last legislative session the requirement to pay the return postage was removed. Paying the return postage was now optional.

Mrs. Weaver said the City had not provided return postage for the current permanent absentee ballots. Many voters brought their ballots directly to the Recorder’s Office.

Mr. Bybee said of the 2,200 absentee ballots mailed for the last election, 1,700 ballots were returned.

Mr. Seastrand asked since he was running for office, as was Mr. Andersen, if there was any reason they should not vote on the issue.

Mr. Stephens said he researched local law and around the country. His opinion was that there was no conflict of interest for incumbent council members to vote on the issue. From a legal standpoint there was no direct, identifiable benefit to the incumbent council members.

Mr. Spencer asked when Provo had looked at the VBM process. Mrs. Weaver said the Provo mayor was a big proponent of VBM, but had changed his mind for this election.

Mr. Macdonald said he had spoken with residents and candidates. The only thing he envied of Oregon was that they voted by mail and had the highest voter turnout in the country. He said he was impressed by the process of reaching many people, and anything to increase voter participation was something he was in favor of. He told of an experience he had with a young man who would only vote if he could do it with his phone. He said with great respect to those on either side of the issue, he was in favor of VBM.

Mrs. Black said she had interacted with residents and the overwhelming response had been in favor of it.

Mr. Andersen said he did not believe it was the time for it.

Mr. Spencer said he had concerns about the timing of the suggestion. The perception was that they were not being transparent and were rushing it.

Mr. Seastrand said he thought it was part of the process. He said everyone's lives had changed and the Council should be looking to the future to engage the voters. He said he had been in favor of VBM from the beginning. He said it would give the city as a whole a better opportunity to reflect the wishes of the voters.

Mayor Brunst invited comments from the audience.

Sterling Bascom said he was concerned about voters being disenfranchised. It was important to let people vote. Identifying a single day to vote eliminated many votes. It was not an issue of ease; it was an issue of allowing people to vote.

David Kyle Herring said the people with the most money would get elected. Name recognition was important. He said no one had an excuse not to vote. He said increasing public education was the way to engage voters. He said he agreed with Mr. Andersen's suggestion to break Orem into districts.

Lorne Grierson said he it was important to involve citizens but they needed to be educated about the issues and the candidates. His concern was that the residents would show up on Election Day because they had not read about the change in the voting method.

Claude Richards said he had a right to a secret ballot. There was a lot of potential for voter fraud. He expressed concern about the ballots being lost by the post office and also about the possibility of his signature being disregarded because he was older than when he had first registered to vote.

Jessica Street said she was a candidate for Council and did not know there was an issue of VBM until she attended the candidate orientation. She said her campaign period would be shortened

with VBM. Education was needed for the voters. She was also concerned by the decrease in poll workers, as some poll workers relied on having that work.

Mrs. Black read a statement by Debby Lauret about VBM in favor of VBM. In the statement read, Ms. Lauret said she was excited about engaging more voters. Mrs. Black asked the question about voter fraud be addressed.

Mr. Bybee said in the last seventeen or so years that the state of Oregon had conducted all VBM elections, they had fifteen cases of voter fraud state-wide.

Mr. Sumner said whenever there was an issue of concern the Councilmembers received many phone calls and emails. He said the only two against it were candidates. He said he did not understand the incumbent advantage claim. He felt this was an exciting time to move forward and be proactive on improving voter turnout. He said he did not see how it could fail.

Mr. Herring said the typical voter voted for the people they knew or had connection to in some way. Elected officials were a proven commodity and had a better ability to raise money.

Mr. Sumner said he had run three times, and he understood how the process worked. His name recognition was from time spent going door to door and campaigning.

Heidi Clark said that when people could sit at home and vote, they could research the candidates and get educated rather than making a decision standing in line at a polling location. She said she did not see any significant advantage to incumbents when voters were not familiar with the system.

Mayor Brunst said he had also been contacted by residents and appreciated their input. He reviewed the concerns that had been expressed. He did not see the process would favor any one candidate over another. As he had looked at it, he was concerned that the candidate guide indicated the City would be using the County to conduct the election. Changing it after the filing period was not acceptable to him. He said he did not want to set a precedent in changing the rules after telling people it would be something else. He said he was in favor of it in the future but not for this election.

Mrs. Black **moved**, by resolution, to authorize the 2015 Municipal Primary and General Elections to be administered through Vote By Mail and One Election Day Voting Center. Mr. Sumner **seconded** the motion. Those voting aye: Margaret Black, Tom Macdonald, Mark E. Seastrand, Brent Sumner. Those voting nay: Hans Andersen, Richard F. Brunst, David Spencer. The motion **passed**, 4-3.

## **COMMUNICATION ITEMS**

### MONTHLY FINANCIAL SUMMARY – May 2015

The Monthly Financial Summary was included in the packets distributed to the City Council.

## **CITY MANAGER INFORMATION ITEMS**

There were no city manager information items.



## **ADJOURN TO A CLOSED-DOOR MEETING – City Manager Evaluation**

Mr. Macdonald **moved** to adjourn to a closed door meeting to discuss the character, professional competence, or physical or mental health of an individual pursuant to Utah Code Section 52-4-205(1)(a)). The meeting would be held in room #107, and the Council would adjourn when it was over. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, Tom Macdonald, Mark E. Seastrand, David Spencer, Brent Sumner. The motion **passed** unanimously.

The meeting adjourned at 8:35 p.m.

## **CLOSED-DOOR SESSION**

A closed-door session was held at 8:37 p.m. to discuss the character, professional competence, or physical or mental health of an individual pursuant to Section 52-4-205(1)(a) of the Utah State Code Annotated. Those in attendance were: City Manager Jamie Davidson, Mayor Richard F. Brunst, Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner.

The meeting adjourned at 9:39 p.m.

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Donna R. Weaver, City Recorder

Approved: July 28, 2015